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Stolen spaces: How handicap drivers are cheated in metro Detroit

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• Part 1 of a series | [Read part 2](#)

On a busy Saturday at the Meijer in Westland, Michael Harris scopes the parking lot, looking for a space he can use.

"I'm not seeing anything," he said, exasperated.

Harris finally takes a spot far from the store and parks at an odd angle. He has learned that this is the only way to make sure he's not boxed in too tightly to get back in the car from his wheelchair.

"This is where the frustration sets in," said Harris, a 55-year-old ex-Marine who is paralyzed from the chest down.

Too often, he said, unthinking, uncaring and undeserving drivers illegally take a handicap spot, discouraging or preventing people with disabilities from shopping or taking care of their everyday business.

• Infographic: [Handicap drivers cheated across Michigan](#)

It's a widespread problem affecting thousands of Michiganders -- while others get away with breaking the law. A State of Michigan official even told her colleagues recently to use handicap spaces at their Lansing building when assigned spots were taken.

At a time when the number of handicap parking permits has exploded in Michigan, a Free Press examination found that enforcement of handicap parking laws is haphazard at best with little control or oversight by the Secretary of State's Office.

The examination included a review of more than 41,000 parking tickets from 21 law enforcement agencies or courts, in-person observation, interviews and a survey of 10 other states' handicap parking programs.

As it stands, the system in Michigan invites fraud and abuse. Other states are much more aggressive about protecting handicap parking spaces for the people who need them.

Harris of Westland, executive director of the 500-member Michigan Paralyzed Veterans of America, said that after health care, handicap parking "is our No. 1 issue, by far. We get so frustrated -- you can't do anything if you don't have the proper spots."

Parking, he said, "is a critical element of providing independence for our members."

More than that, parking is a safety issue. People in wheelchairs worry about being hit by drivers who cannot see them, a risk that rises the farther they must travel to enter a store.

The Free Press examination of records, tickets, regulations and actual spaces for handicap parking in Michigan found the problems facing disabled drivers are compounded in many ways:

- Able-bodied drivers freely take up spaces, many by using handicap placards or license plates that are not registered to them.
- Police in metro Detroit don't often ticket for such fraud, according to records produced by the communities surveyed. Some communities leave ticket-writing to civilians and volunteers, who generally are not permitted to access law enforcement data to check permit registrations.
- The Michigan Secretary of State's Office, which issues handicap parking permits, only began tracking when permit holders die last October. Placards are supposed to be surrendered, but an untold number of family and friends of the deceased continue to use them.
- Unlike other states, Michigan does not track or audit the doctors or other medical professionals who sign handicap permit applications. Critics say some doctors dispense the applications like aspirin.
- Unlike other states, permit-holders in Michigan do not have to provide the state with periodic medical updates.
- The number of handicap plates in Michigan has surged in recent years -- from 93,357 in late 2000 to 249,047 as of May. An additional 628,003 placards are in circulation. Drivers can have only one placard and as many plates as they have registered vehicles.
- Placards, which are hung from rearview mirrors, can easily be tampered with because the expiration date is handwritten. A 2013 expiration date can become 2018 with the stroke of a Sharpie.
- Michigan's fines for handicap parking violations are lower than some states; the worst scofflaws are not singled out for harsher penalties.

Markets, malls

Free Press reporters fanned out across metro Detroit in recent weeks, interviewing drivers who parked in handicap spots, tracking down chronic violators and riding with ticket-writers. It was not hard to find people parking illegally.

At Somerset Collection in Troy, a young mother in a late-model Yukon used her son's permit to take a handicap space at Nordstrom, although her son wasn't with her. That's a violation.

At Papa Joe's Gourmet Market in Birmingham, a man in a tie popped out of a \$100,000 Mercedes-Benz after parking in a handicap spot. When he emerged 30 minutes later, he confessed he shouldn't have parked there, and wouldn't give his name.

At city hall in downtown Detroit, a woman confronted after she parked illegally said she had to run inside for just a minute. Then she thought better of it and moved her vehicle.

Such examples are vexing for disabled people, who say they aren't sure whether able-bodied drivers realize the problems they can cause by taking up a handicap space.

"I don't know how many times I have to drive around and around and around in the parking lot waiting for someone to vacate one of the handicapped spots ... sometimes I'll just leave," said Teresa Weaver, who works for the Capital Area Center for Independent Living in Lansing.

"It's the most frustrating experience there is," said Angela Hoff, executive director of the Blue Water Center for Independent Living in Port Huron. "It limits my ability to work; it limits my ability to be independent."

Dawn Daniels of Farmington has four children whose physical disabilities leave them with little endurance to walk across large parking lots to get to the entrance of a big-box store, the Detroit Zoo or other venues.

"Sometimes it's a huge issue for us," said Daniels, who has seven children. "It's frustrating when we can't find spots when we needed them. There are literally times when it will make or break the day for

them."

Aging Americans

Marilyn Golden, senior policy analyst with the California-based Disability Rights Education & Defense Fund, said that with the graying of America, the problem is only going to get worse.

"As a wheelchair user, it is often very difficult to find accessible parking," Golden said. "The fact that there's abuse by people who don't really need the parking is a very key reason for that."

Disability rights advocates say the system needs an overhaul.

"We want people to be independent. We want them to shop and be part of society, we want them to work and pay taxes and spend money and be part of the economy -- and yet we don't facilitate that," said Mike Zelle, chairman of the Michigan Civil Rights Commission and president of the Disability Network in Flint.

Zelle organized a town hall meeting for disabled people in Genesee County two years ago and expected the 100 or so who attended to be most concerned about health care, jobs and housing.

Instead, he said, he was "blown away" because "the No. 1 issue for all these people was accessible parking. They cannot find accessible parking. ... It's the law and people are violating the law and nobody is enforcing it."

The Americans with Disabilities Act of 1990 requires parking lot owners to set aside a certain number of handicap parking spaces, based on a formula. The U.S. Justice Department investigates complaints of inadequate parking, but states and local police enforce parking laws.

How it works

Michigan residents can apply for a handicap license plate, a placard to hang from the rearview mirror, or both. There is no extra cost for a handicap plate.

The application process involves filling out a two-page form, and getting it signed by a medical provider. To qualify, a person must fall into one of seven disability categories. Generally, that means being blind and requiring a driver; using a wheelchair, having problems walking, or having certain lung and heart issues. Permit-holders can be drivers or passengers.

Once a health provider certifies the form, an employee in a Secretary of State branch approves it. Unlike other states, including Illinois and, soon, Florida, Michigan does not require people with permanent disabilities to periodically reapply for their permits and update their health information. New York City even has its own doctors to review applications.

A new Florida law also requires the state's Department of Highway Safety and Motor Vehicles to conduct random reviews of handicap permit holders to ensure compliance and to remove people who have died from the permit list. The Florida Legislature also required the department to create a way for people to report parking permit abuse.

And in Maryland, handicap permit holders must always have their doctor's medical certification in their possession when using handicap parking, and must show it to police upon request.

Mark Cody, a lawyer for the Michigan Protection and Advocacy Service, said handicap parking placards are too easily altered.

"In this day and age, there ought to be technology to make a better product," he said.

Massachusetts, for example, issues laminated placards that include a photo of the permit holder.

A month after the Free Press asked Secretary of State officials about tampering issues, a spokesman said the department planned to start ordering placards with preprinted expiration dates.

Spokesman Fred Woodhams said the new system would "further secure the document" but insisted the department remains "confident in the placards in circulation."

Michigan also puts holds on motorists who have two or more unpaid handicap parking tickets, meaning they cannot renew their driver's licenses until they pay. But the state is notified only if two unpaid tickets were handled by the same court; there's generally no tracking multiple tickets in multiple cities.

A ticket for illegal parking in a handicap space carries a maximum penalty of \$250. Fraudulent use of a placard is a misdemeanor with a maximum penalty of \$500 and 30 days in jail.

Critics say those penalties aren't tough enough. The Illinois General Assembly this year made using a dead person's placard a misdemeanor punishable by loss of driver's license for a year and a \$2,500 fine.

In Michigan, state Rep. Jim Ananich, D-Flint, has introduced legislation that would double the maximum fine for parking without a placard to \$500. The minimum fine would also double, to \$200. Local communities set the fine.

Activists say other changes are needed and the state could start by requiring plate and placard owners to periodically submit updated information about their disabilities. As it stands, once a doctor says someone is permanently disabled, that person never has to be checked again.

"There definitely should be a reapplication process," said Lisa Nygord, executive director of the Arc Dearborn, an organization for children and adults with intellectual and developmental disabilities. "That's the biggest concern."

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More Details: How to be heard

Contact state Rep. Jim Ananich, D-Flint, the sponsor of legislation to increase the fines for handicap parking violations, by e-mail at JimAnanich@house.mi.gov.